

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS LEAGUE OF UNITED LATIN
AMERICAN CITIZENS, et al.,

Plaintiff

vs.

GREG ABBOTT, in his official capacity as
Governor of Texas, *et al.*,

Defendants.

Civil Action No. 1:20-cv-1006-RP

MOTION FOR LEAVE TO FILE BRIEF *AMICUS CURIAE*

ADAPT Texas, REV UP Texas, and Disability Rights Texas respectfully move for leave to file the attached amicus curiae brief in support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction (ECF No. 15), set for hearing on October 8, 2020. Amici's expertise with regard to the effect of restrictions on absentee ballot drop-off locations enables them to contribute to this Court's consideration of the Plaintiffs' Motion. Granting this motion would not prejudice any party, and the accompanying brief complies with all applicable rules.

I. IDENTITY AND INTEREST OF AMICI CURIAE

ADAPT Texas is a chapter of the national grass-roots disability rights activist organization working towards social change for disabled citizens. ADAPT Texas advocates to ensure that the rights of people with disabilities are not diminished in any way, including the right to vote privately and independently.

REV UP Texas is a non-partisan, statewide, collaborative organization that empowers, educates, and provides outreach to the disability community and its allies (family members,

supporters, professionals, the public, and policy makers). These efforts focus upon accessibility of polling sites; the rights of people with disabilities in the voting process; inclusive voter registration; education on disability issues; and mobilization of the disability vote.

Disability Rights Texas (DRTX) is a nonprofit organization designated to serve as the Protection and Advocacy System (“P&A”) for the State of Texas. See Tex. Gov. Exec. Order No. DB-33, 2 Tex. Reg. 3713 (1977); Tex. Att’y Gen. Op. No. JC-0461 (2002). Its purpose is to protect and advocate for the legal and human rights of individuals with disabilities, and it is authorized to do so under the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15041 *et seq.*; Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. §§ 10801 *et seq.*; and Protection and Advocacy for Individual Rights Act, 29 U.S.C. § 794e. In accordance with its federal mandate, Disability Rights Texas has the authority, among other things, to pursue administrative, legal, and other appropriate remedies to ensure the protection of rights of persons with disabilities. 29 U.S.C. § 794e(f)(3); 42 U.S.C. § 10805(a)(1)(B). One of DRTX’s priority areas is safeguarding the voting rights of people with disabilities. DRTX has filed numerous amicus briefs to ensure that courts and litigants follow the antidiscrimination mandates in the Americans with Disabilities Act (ADA).

II. GRANTING THIS MOTION WOULD NOT PREJUDICE ANY PARTY AND WOULD AID IN THE COURT’S CONSIDERATION

“Although neither the Rules of Civil Procedure nor the Local Rules of this Court prescribe procedures for filing an amicus curiae brief, the district court’s inherent authority to allow the participation of amicus under conditions that the court finds appropriate has been recognized in numerous cases. . . . it is solely within the discretion of the court to determine the fact, extent, and manner of participation by the amicus.” *Alex Pacheco v. Freedom Buick GMC Truck, Inc.*, 10-CV-116, 2011 WL 13234884, at *1 (W.D. Tex. Nov. 1, 2011) (internal citations

and quotations omitted). The proposed brief addresses important issues that are not squarely addressed in the Plaintiffs' Motion: the impact of Governor Abbott's October 1 Order on voters with disabilities in particular, and their ability to safely vote in light of the ongoing coronavirus pandemic and postal service disruptions. The evidence and arguments in the proposed brief are relevant to the Court's evaluation of the injunctive relief sought by Plaintiffs.

CONCLUSION

The motion for leave to file should be granted.

Dated: October 7, 2020

Respectfully submitted,

/s/ Mimi Marziani

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CERTIFICATE OF SERVICE

I certify that on October 7, 2020, the foregoing was filed with the U.S. District Court for the Western District of Texas by using the CM/ECF system, which will send notifications of such filing to all CM/ECF counsel of record.

/s/ Edgar Saldivar
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